REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claims 3, 13, 18 and 28 are amended. Claims 1-32 are pending in the application.

Entry of Amendment under 37 C.F.R. § 1.116

The Applicant requests entry of this Rule 116 Response because: the amendments were not earlier presented because the Applicant believed in good faith that the cited references did not disclose the present invention as previously claimed; and the amendment does not significantly alter the scope of the claims and places the application at least into a better form for purposes of appeal.

The Manual of Patent Examining Procedures (M.P.E.P.) sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The M.P.E.P. further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

I. Rejection under 35 U.S.C. § 102

In the Office Action, at page 3, numbered paragraph 3, claims 3, 4, 13, 14, 18, 19 and 28 were rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 5,717,674 to Mori et al. This rejection is respectfully traversed because Mori does not discuss or suggest:

> selectively splitting the first and the second laser beams into three rays depending on which optical disk is to be accessed, wherein the three rays comprise a main ray and two sub-rays; and
>
> selectively receiving the three rays of the first laser beam and the three rays of the second laser beam at different detecting portions for data recording and/or reproduction and error detection and compensation, wherein the detecting portions comprise a central detecting portion and two peripheral detecting portions, the central detecting portion receiving the main ray of the first laser beam when the first optical disk is to be accessed and at least one of the peripheral detecting portions receiving the main ray of the second laser beam when the second optical disk is to be accessed,

as recited in amended independent claims 3 and 18.

Mori does not discuss or suggest:

> a photo-detector selectively receiving the three rays of the first laser beam and the three rays of the second laser beam at different detecting portions to record and/or reproduce the data and to detect and compensate errors, wherein the photo-detector is a six-split photo-detector comprising four cells on a central detecting portion and two cells on peripheral detecting portions, the central detecting portion receiving the main ray of the first laser beam when the first optical disk is to be accessed and at least one of the peripheral detecting portions receiving the main ray of the second laser beam when the second optical disk is to be accessed,

as recited in amended independent claim 13.

Further, Mori does not discuss or suggest:

> selectively receiving the three rays of the first laser beam and the three rays of the second laser beam at different detecting portions to record and/or reproduce the data and to detect and compensate errors, wherein the detecting portions comprise a central detecting portion and two peripheral detecting portions, the central detecting portion receiving the main ray of the first laser beam when the first optical disk is to be accessed and at least one of the peripheral detecting portions receiving the main ray of the second laser beam when the second optical disk is to be accessed,

as recited in amended independent claim 28.

The present invention of claim 3, for example, is directed to a compatible disk player emitting first and second laser beams to first and second optical disks and including a diffraction grating and a photo-detector. The diffraction grating selectively splits the beams into three rays – a main ray and sub-rays. The photo-detector selectively receives the rays of the first or the second beam at different detecting portions, the photo-detector including a central detecting portion and two peripheral detecting portions. Specifically, the main ray of the first beam is received at the central detecting portion when the first disk is to be accessed and the main ray of the second beam is received at at least one of the peripheral detecting portions when the second disk is to be accessed.

Mori discusses an optical pickup apparatus that includes a semiconductor laser 1 for DVD reproduction, a semiconductor laser 2 for CD reproduction, a three-beam generating diffraction grating 3 generating a main beam and two sub-beams and two six-segment photodetectors 7 and 8, in which photodetector 7 is used only for reproduction of a DVD and photodetector 8 is used only for reproduction of a CD. The diffraction efficiency of the main beam becomes smaller and a diffraction efficiency of the sub-beams becomes larger as a wavelength of the incident beam becomes shorter.

While Mori does discuss that the photodetectors 7, 8 are each segmented, Mori does not discuss or suggest that the photodetectors 7, 8 selectively receive the rays of a first laser beam from a first disk and a second laser beam from a second disk at different detecting portion, where the photodetectors 7, 8 include a central detecting portion and peripheral detecting portions and where the main ray of the first laser beam is received at the central detecting portion and the main ray of the second laser beam is received at at least one of the peripheral detecting portions, dependent on whether the first or the second optical disk is to be accessed. Mori discusses only that the first and second laser beams are diffracted by the diffraction grating 3 based on different diffraction efficiencies, but does not suggest that the main rays of each laser beam are specifically received at either the central detecting portion or one of the peripheral detecting portions, based on the disk to be accessed.

Therefore, as Mori does not discuss or suggest that "the detecting portions comprise a central detecting portion and two peripheral detecting portions, the central detecting portion receiving the main ray of the first laser beam when the first optical disk is to be accessed and at least one of the peripheral detecting portions receiving the main ray of the second laser beam when the second optical disk is to be accessed," as recited in amended independent claims 3, 18 and 28, and does not discuss or suggest "the photo-detector is a six-split photo-detector comprising four cells on a central detecting portion and two cells on peripheral detecting portions, the central detecting portion receiving the main ray of the first laser beam when the first optical disk is to be accessed and at least one of the peripheral detecting portions receiving the main ray of the second laser beam when the second optical disk is to be accessed," as recited in amended independent claim 13, independent claims 3, 13, 18 and 28 patentably distinguish over the reference relied upon. Accordingly, withdrawal of the § 102(b) rejection is respectfully requested.

Claims 4, 14 and 19 depend directly from independent claims 3, 13 and 18, respectively, and include all the features of their respective independent claims, plus additional features that are not discussed or suggested by the reference relied upon. For example, claim 4 recites that "the photo-detector receives the main ray of the first laser beam on the central detecting portion to determine a focus error and to record and/or reproduce the data on/from the first optical disk, and receives the sub-rays of the first laser beam on the peripheral detecting portions to determine a tracking error." Therefore, claims 4, 14 and 19 patentably distinguish over the reference relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 102(b) rejection is respectfully requested.

II. Allowable Subject Matter

The Applicants are appreciative of the allowances of claims 1, 2, 5-12, 15-17, 20-27 and 29-32.

Conclusion

In accordance with the foregoing, claims 3, 13, 18 and 28 have been amended. Claims 1-32 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 12/26/2006

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